

## Agricultural Marketing Service, USDA

## § 984.43

votes cast by the nine members of the Board.

(e) Nominations in the foregoing manner received by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified by June 15 of each odd-numbered year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination.

(f) The Board, with the approval of the Secretary, may change these nomination procedures should the Board determine that a revision is necessary.

[39 FR 35329, Oct. 1, 1974, as amended at 41 FR 31542, July 29, 1976]

### § 984.38 Eligibility.

No person shall be selected or continue to serve as a member or alternate to represent one of the groups specified in § 984.35(a)(1) through (6), unless he is engaged in the business he is to represent, or represents, either in his own behalf or as an officer or employee of the business unit engaged in such business. Also, each member or alternate member representing growers in District 1 or District 2 shall be a grower, or officer or employee of the group he is to represent.

[41 FR 31542, July 29, 1976]

EFFECTIVE DATE NOTE: At 70 FR 50153, Aug. 26, 2005, § 984.38 was suspended indefinitely.

### § 984.39 Qualify by acceptance.

Each person selected by the Secretary as a member or alternate of the Board shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

[39 FR 35330, Oct. 1, 1974, as amended at 41 FR 31543, July 29, 1976]

### § 984.40 Alternate.

(a) An alternate for a member of the Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a suc-

cessor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Board and his alternate are both unable to attend a meeting of the Board, any alternate for any other member representing the same group as the absent member may serve in the place of the absent member, or in the event such other alternate cannot attend, or there is no such other alternate, such member, or in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group shall be considered the same group.

[27 FR 9094, Sept. 13, 1962, as amended at 41 FR 31543, July 29, 1976]

### § 984.41 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or any need to select a successor through failure of any person selected as a member or alternate to qualify, shall be recognized by the Board causing a nomination to be made by the appropriate group and certifying to the Secretary a new nominee within 60 calendar days.

[39 FR 35330, Oct. 1, 1974, as amended at 41 FR 31543, July 29, 1976]

### § 984.42 Expenses.

The members and their alternates of the Board shall serve without compensation, but shall be allowed their necessary expenses.

[39 FR 35330, Oct. 1, 1974, as amended at 41 FR 31543, July 29, 1976]

### § 984.43 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;